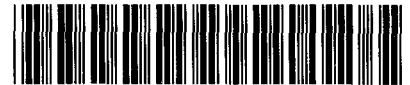


ORIGINAL



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BEFORE THE ARIZONA CORPORATION COMMISSION

2010 MAY -3 P 1:28

COMMISSIONERS:
KRISTIN K MAYES – Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF:

MARK W. BOSWORTH and LISA A.
BOSWORTH, husband and wife;

STEPHEN G. VAN CAMPEN and DIANE V.
VANCAMPEN, husband and wife;

MICHAEL J. SARGENT and PEGGY L.
SARGENT, husband and wife;

ROBERT BORNHOLDT and JANE DOE
BORNHOLDT, husband and wife;

MARK BOSWORTH & ASSOCIATES, LLC,
An Arizona limited liability company;

3 GRINGOS MEXICAN INVESTMENTS, LLC;
An Arizona limited liability company

Respondents.

Docket No. S-20600A-08-0340

SUBPOENA DUCES TECUM
PURSUANT TO A.R.S. §41-1062(A)(4)

Arizona Corporation Commission
DOCKETED

MAY - 3 2010

DOCKETED BY

THE STATE OF ARIZONA HEREBY COMMANDS:

ARIZONA REPUBLIC/REPUBLIC MEDIA (by its records keeper)
And Individual staff writers, independent writers, and/or editors of said newspaper
200 East Van Buren
Phoenix, AZ 85004

To appear and produce at the home office of MARK BOSWORTH, 18094 N. 100th Street, Scottsdale AZ 85255, the following records for inspection and copying, pursuant to A.R.S. §41-1062(A)(4); A.R.S. §12-2212(A) and Administrative Rule R14-3-210:

All documents in your possession, in any type or form, including paper documents, advertisements, billings for advertisements, notes, electronic ledgers, databases, e-mail (including attachments), photographs, recordings -audio or video (analog or digital), transcriptions, digital files (in any format, including “.pdf,” “Word,” “Wordperfect” , or the like), relating to advertisements purchased

1 by the following persons or entities, OR articles, editorials, bylines and/or stories compiled, printed,
2 distributed or published in any form relating in any manner to the following subject matter, persons, or
3 entities:

4 MARK BOSWORTH
5 SAM WERCINSKI
6 HOMELOVERS
7 MICHAEL J. SARGENT
8 BARBARA BROYLES
9 INVESTORS CORNER ARTICLES
10 LISA BOSWORTH
11 PROPERTY MASTERS OF AMERICA, LLC
12 HOME AMERICA PROPERTY MANAGEMENT, LLC
13 GORENTER, LLC
14 GORENTER.COM
15 MARK BOSWORTH & ASSOCIATES, LLC
16 THREE GRINGOS MEXICAN INVESTMENTS, LLC

17 The reason these documents will be of service in the proceeding (pursuant to Administrative Rule
18 R14-3-210(B)) are because the Respondents cannot properly and adequately prepare for the hearing
19 scheduled in this matter without knowing the evidence that will be presented against them. Further, the
20 documents will provide the basis the State of Arizona is seeking this hearing and the relative culpability
21 (if any) of the Respondents in relation to the other parties. The information will also verify the extent of
22 other documentation that is in the possession of other Respondents (and turned over to your office) that
23 may not have been within the files of what Mark & Lisa Bosworth produced under subpoena.

24 You are to appear on MAY 26th at 9:00 a.m. In the alternative, in lieu of personal appearance
25 you may comply with this subpoena by providing the above data in either of the two following manners:

- 26 1. Electronically, in either Adobe Acrobat ".pdf", Microsoft Word, or Excel file formats, along
27 with an electronically signed statement or a ".pdf" facsimile attachment which attests to the
28 completeness and accuracy of the records from the records custodian, e-mailed to
theboz@cox.net within the timeframe herein provided; or
2. Provide paper copies of the documents, together with a signed attachment, which attests to
the completeness and accuracy of the records from the records custodian, mailed to the above
address within the timeframe herein provided.

29 **The date for appearance on this subpoena is MAY 26th at 9:00 a.m.**

30 **Your Duties In Responding To This Subpoena**

31 You have duty to produce the documents requested as they are kept by you in the usual course of
32 business, or you may organize the documents and label them to correspond with the categories set forth in
33 this subpoena. See Rule 45(d)(1) of the Arizona Rules of Civil Procedure.

34 If this subpoena asks you to produce and permit inspection and copying of designated books,
35 papers, documents, tangible things, or the inspection of premises, you need not appear to produce the
36 items unless the subpoena states that you must appear for a deposition, hearing or trial. See Rule
37 45(c)(2)(A) of the Arizona Rules of Civil Procedure.

38 **Your Right to Object**

1 The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing
2 an undue burden or expense on you. The Superior Court enforces this duty and may impose sanctions
3 upon the party or attorney serving the subpoena if this duty is breached. *See* Rule 45(c)(1) of the Arizona
4 Rules of Civil Procedure.

5 You may object to this subpoena if you feel that you should not be required to respond to the
6 request(s) made. Any objection to this subpoena must be made within 14 days after it is served upon you,
7 or before the time specified for compliance, by providing a written objection to the party or attorney
8 serving the subpoena. *See* Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

9 If you object because you claim the information requested is privileged or subject to protection as
10 trial preparation material, you must express the objection clearly, and support each objection with a
11 description of the nature of the document, communication or item not produced so that the demanding
12 party can contest the claim. *See* Rule 45(d)(2) of the Arizona Rules of Civil Procedure.

13 If you object to the subpoena in writing you do not need to comply with the subpoena until a
14 court orders you to do so. It will be up to the party or attorney serving the subpoena to seek an order from
15 the court to compel you to provide the documents or inspection requested, after providing notice to you.
16 *See* Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

17 If you are not a party to the litigation, or an officer of a party, the court will issue an order to
18 protect you from any significant expense resulting from the inspection and copying commanded. *See* Rule
19 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

20 You also may file a motion in the superior court of the county in which the case is pending to
21 quash or modify the subpoena if the subpoena:

22 (i) does not provide a reasonable time for compliance;

23 (ii) requires a non-party or officer of a party to travel to a county different from the county where
24 the person resides or does business in person; or to travel to a county different from where the subpoena
25 was served; or to travel to a place farther than 40 miles from the place of service; or to travel to a place
26 different from any other convenient place fixed by an order of a court, except that a subpoena for you to
27 appear and testify at trial can command you to travel from any place within the state;

28 (iii) requires the disclosure of privileged or protected information and no waiver or exception
applies; or

(iv) subjects you to an undue burden. *See* Rule 45(c)(3)(A) of the Arizona Rules of Civil
Procedure.

If this subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or
commercial trade information; or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific
events or occurrences in dispute and resulting from the expert's study made not at the request of any
party; or

1 (iii) requires a person who is not a party or an officer of a party to incur substantial travel
2 expense;

3 The court may either quash or modify the subpoena, or the court may order you to appear or
4 produce documents only upon specified conditions, if the party who served the subpoena shows a
5 substantial need for the testimony or material that cannot be otherwise met without undue hardship and
6 assures that you will be reasonably compensated. *See* Rule 45(c)(3)(B) of the Arizona Rules of Civil
7 Procedure.

8 A command to produce evidence or to permit inspection may be joined with a command to
9 appear at trial or hearing or at deposition, or may be issued separately.

10 Requests for reasonable accommodation for persons with disabilities must be made to the court
11 by parties at least 3 working days in advance of a scheduled court proceeding.

12 SIGNED AND SEALED this date:

13 _____
14 Executive Secretary of the A.C.C.

15 ORIGINAL FILED WITH:

16 Docket Control
17 Arizona Corporation Commission
18 1200 West Washington Street
19 Phoenix, Arizona 85007

20 COPIES MAILED TO:

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22 Arizona Corporation Commission
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24 Phoenix, Arizona 85007

25 Marc E. Stern, Hearing Officer
26 Hearing Division
27 Arizona Corporation Commission
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